

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 28, 2020

RITA W. GRUBER, CHIEF JUDGE:

[CV-19-958](#). Betty Freeman v. Conway Regional Medical Center; John/Jane Doe RN 1–4; John/Jane Doe LPN and CNA 1–4; and John Doe Direct Action Insurance Carrier, from Faulkner County Circuit Court. Affirmed. Abramson and Klappenbach, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-19-31](#). Diana Wilcox v. Rube “Dubby” Wilcox, from Faulkner County Circuit Court. Dismissed without prejudice. Gruber, C.J., and Klappenbach, J., agree.

BART F. VIRDEN, JUDGE:

[CV-20-42](#). Matthew Ingle v. Callie Dacus, from Saline County Circuit Court. Affirmed. Gladwin and Whiteaker, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-20-435](#). Amanda Borah and Steven Walls v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Reversed and remanded. Hixson and Murphy, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-20-104](#). Bobby Earl Richard v. State of Arkansas, from Desha County Circuit Court. Affirmed. Switzer and Whiteaker, JJ., agree.

[CR-20-126](#). J.P. v. State of Arkansas, from Van Buren County Circuit Court. Affirmed. Switzer and Whiteaker, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-20-382](#). Steeve Louissant v. Arkansas Department of Human Services and Minor Children, from Garland County Circuit Court. Affirmed. Gruber, C.J., and Abramson, J., agree.

MEREDITH B. SWITZER, JUDGE:

[CR-19-939](#). Jonathan Lee Keisler v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Harrison and Whiteaker, JJ., agree.

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PHILLIP T. WHITEAKER, JUDGE:

[CR-19-657](#). Daniel Lynn Honey v. State of Arkansas, from Logan County Circuit Court, Northern District. Affirmed; motion to withdraw granted. Harrison and Switzer, JJ., agree.

[CV-20-51](#). William Keeling v. Linda McCaskill, from Clark County Circuit Court. Affirmed. Harrison and Switzer, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-19-845](#). Virgil Nathan Oliver v. State of Arkansas, from Benton County Circuit Court. Affirmed. Gladwin and Murphy, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-19-885](#). Joshua Chapelle Joyce v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Gladwin and Hixson, JJ., agree.

[CV-18-1067](#). Thomason Investments, LLC; and Todd Thomason v. Johnny Huddleston; Brenda Huddleston; TAB Construction of Harrison, LLC; Johnny Huddleston d/b/a TAB Construction and TAB Construction, Inc.; and TAB Investment, LLC, from Boone County Circuit Court. Affirmed in part; reversed and remanded in part; affirmed on cross-appeal. Vaught, J., agrees. Gruber, C.J., concurs.

WAYMOND M. BROWN, JUDGE:

[CR-19-724](#). Bryant Dewight Adams v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Affirmed. Virden and Vaught, JJ., agree.

[CV-20-372](#). Bradley Snider v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed; motion to withdraw granted. Virden and Vaught, JJ., agree.

PER CURIAM DECISIONS

The following cases appealed from the Arkansas Board of Review are affirmed without written opinion pursuant to Supreme Court Rule 5-2(f).

E-20-85. Richard McCoy v. Director et al.

E-20-86. Diane Jackson v. Director et al.

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E-20-87. Paul Finch v. Director et al.

E-20-88. Reginald Washington v. Director et al.

E-20-89. Elnora Young v. Director et al.

E-20-90. Rodney Wade v. Director et al.

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PER CURIAM ORDERS

REHEARINGS DENIED: Petitions for rehearing were denied today in the following cases.

CR-19-626. Delvin Neal v. State of Arkansas, from Drew County Circuit Court.

CR-20-74. Jimmie Holland v. State of Arkansas, from Washington County Circuit Court.

CV-19-708. Christopher Minor; Lucie Minor; and TMA Operations, LLC, d/b/a Taylor Made Ambulance v. Roy Barnes, from Pulaski County Circuit Court, Second Division.

CV-19-737. Anna Sherrill v. Rika Properties, LLC, from Garland County Circuit Court. Brown, J., would grant. Switzer, J., not participating.

CV-19-807. Mitchell “Mitch” Wine v. Doralee Chandler and Leslie Rutledge, in Their Capacities as Director of Alcoholic Beverage Control Division of the Arkansas Department of Finance and Administration and Attorney General of Arkansas, Respectively; and Public Consulting Group, Inc., from Pulaski County Circuit Court, Ninth Division. Abramson, J., not participating.

CV-19-831. Barbara Woodruff v. Western Sizzlin of Russellville, Inc., from Pope County Circuit Court.

CV-19-927. Kenneth Stephens v. Skylar Wilson, from Faulkner County Circuit Court.

CR-11-494. Joe Edward Butler v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Appellant’s pro se motion requesting copy of records is denied.

CR-19-811. Cortez Barefield v. State of Arkansas, from Phillips County Circuit Court. Appellee’s unopposed motion to supplement the record is granted.

CR-19-823. Noah Stephen McDaniel v. State of Arkansas, from Madison County Circuit Court. Appellant’s motion for extension of time is granted. Final extension.

CR-19-841. Richard Douglas Hyatt v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones for attorney’s fees is granted. Allowed \$1800.00.

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CR-19-902. Jeremiah Alan Webb v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Appellant's pro se motion for extension of time to file a petition for rehearing is denied.

CR-20-39. Timothy Moore v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion for extension of time is granted. Final extension.

CR-20-41. Robert Martin v. State of Arkansas, from Calhoun County Circuit Court. Appellee's motion to dismiss is granted. Klappenbach, J., not participating.

CR-20-49. Jaqualeyn Demond Goodwin v. State of Arkansas, from Faulkner County Circuit Court. Motion of Terry Goodwin Jones for attorney's fee is granted. Allowed \$1800.00. Virden, J., not participating.

CR-20-123. Anthony Reno v. State of Arkansas, from Logan County Circuit Court, Southern District. Motion of Rena Beth Wright for attorney's fees is granted. Allowed \$1800.00. Switzer, J., not participating.

CR-20-141. Lazaro Veneros-Figueroa v. State of Arkansas, from Sevier County Circuit Court. Appellant's pro se motion for time extension is granted.

CR-20-207. Joseph Evan Bennion v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for appointment of counsel is denied. Switzer, J., not participating.

[CR-20-299](#). Tony Ray Reeves v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Appellant's pro se motions for belated appeal and for appointment of counsel are denied. See **per curiam** this date.

CR-20-395. Adam M. Green v. State of Arkansas, from Polk County Circuit Court. Motion of Brian Johnson to substitute counsel treated as a motion to be relieved and for appointment of counsel and granted. Michael Kaiser is appointed as counsel for the appellant. Switzer, J., not participating.

CR-20-395. Adam M. Green v. State of Arkansas, from Polk County Circuit Court. Appellant's motion for extension of briefing time is granted. Clerk directed to reset the briefing schedule. Switzer, J., not participating.

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CR-20-576. Tristan Tiarks v. State of Arkansas, from Benton County Circuit Court. Motion of Kimberly R. Weber for leave to withdraw is granted.

CR-20-576. Tristan Tiarks v. State of Arkansas, from Benton County Circuit Court. Motion of Josie N. Graves for substitution of counsel is granted.

CV-19-441. John Anthony Middleton v. Cathy J. Middleton, from Pulaski County Circuit Court, Sixteenth Division. Appellee's motion for attorney's fees is granted.

CV-19-807. Mitchell "Mitch" Wine v. Doralee Chandler and Leslie Rutledge, in Their Capacities as Director of Alcoholic Beverage Control Division of the Arkansas Department of Finance and Administration and Attorney General of Arkansas, Respectively; and Public Consulting Group, Inc., from Pulaski County Circuit Court, Ninth Division. Appellant's motion for declaratory judgment is denied. Abramson, J., not participating.

CV-20-33. LaDonna Humphrey, Individually v. Absolute Pediatric Services, Inc., d/b/a Absolute Pediatric Therapy; and Anthony Christopher, from Benton County Circuit Court. Appellant's status report is noted. Status reports are due in ninety days (January 26, 2021).

CV-20-112. Tammy Davis and Alice Barclay v. Glenda Bassett, from Boone County Circuit Court. Appellee's motion to strike introductory argument in appellants' reply brief and alternative motion for opportunity to respond is denied.

CV-20-124. David C. Stracner v. Stone Bank, Formerly Known as Ozark Heritage Bank, N.A., from Stone County Circuit Court. Appellant's motion for dismissal of appeal with prejudice is granted.

CV-20-124. David C. Stracner v. Stone Bank, Formerly Known as Ozark Heritage Bank, N.A., from Stone County Circuit Court. Second joint report of parties is noted.

CV-20-218. Don Randall Jackson (Deceased) v. Smiley Sawmill, LLC; and Technology Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's request for permission to file overlength brief is denied.

CV-20-290. Jacob Levitt and Paige Levitt v. Today's Bank, an Arkansas Banking Corporation, from Washington County Circuit Court. Appellee's motion to dismiss appeal is granted. Gladwin, Switzer, and Murphy, JJ., not participating.

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CV-20-290. Jacob Levitt and Paige Levitt v. Today's Bank, an Arkansas Banking Corporation, from Washington County Circuit Court. Appellee's motion for extension of time to file appellee's brief is moot. Gladwin, Switzer, and Murphy, JJ., not participating.

CV-20-428. Ehab Yamani v. Samar Ashour, from Washington County Circuit Court. Motion of Grace K. Johnson to withdraw as counsel is granted. Murphy, J., not participating.

CV-20-428. Ehab Yamani v. Samar Ashour, from Washington County Circuit Court. Appellant's third motion for extension of time is granted. Final extension. Murphy, J., not participating.

CV-20-509. The AGREED Foundation d/b/a American Gamebird Research Education and Development Foundation, Inc. v. Friends of Lake Erling Association, from Lafayette County Circuit Court. Motion of Joseph Hamilton Kemp to withdraw is granted. Vaught, J., not participating.

CV-20-558. Alainna King v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Tenth Division. Agreed substitution of counsel for the appellant is granted.

CV-20-580. Jack Wayne Matthews v. Shirlee Diane Matthews, from Sebastian County Circuit Court, Fort Smith District. Motion of Dianna Ladd to withdraw as appellee's attorney is granted.

E-20-5. Andrea Tipton v. Director et al., from the Arkansas Board of Review. Appellees' motion to dismiss appeal is granted.

E-20-225. Mary Washington v. Director et al., from the Arkansas Board of Review. Appellees' motion to remand is granted.

E-20-274. Rhoda Yancy v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-19-804. Bert Dickey IV and Lulyne Hicky v. Gary Lillard; Brenda Lillard; and Tommy Land, Commissioner of State Lands, from Cleburne County Circuit Court.

E-20-43. Ronnie Lovins v. Director, Department of Workforce Services; and US LMB Ridout Asset Holdings, from the Arkansas Board of Review.

CR-19-249. James M. Bohanan v. State of Arkansas, from Conway County Circuit Court. Appellant's pro se motion for court to review voice active disc.

CR-19-953. Darnell Washington v. State of Arkansas, from Jefferson County Circuit Court. Motion of William O. "Will" James for fees.

CR-20-52. Rachel Callaway v. State of Arkansas, from Baxter County Circuit Court. Motion of Gary Potts for costs and attorney fees.

CR-20-522. Derrick Quijada v. State of Arkansas, from Logan County Circuit Court, Northern District. Appellant's motion to supplement the record and stay briefing schedule.

CV-19-660. Tommy Williams and Vela Williams v. Ronnie Crump, from Craighead County Circuit Court, Eastern District. Motion for substitution of appellant, Tommy Williams.

CV-19-661. Tommy Williams and Vela Williams v. Ronnie Crump, from Craighead County Circuit Court, Eastern District. Motion for substitution of appellant, Tommy Williams.

CV-20-557. Teresa Ann White v. Paige Harper, Trustee of the Mary E. Dorsett Revocable Trust u/d June 30, 2006; and Andrew Alton James, from Pulaski County Circuit Court, Seventeenth Division. Suggestion of death of appellee Andrew Alton James.

CV-20-589. (In the Matter of Patricia R. Pitts, an Incapacitated Person) Lisa Pitts v. Andrew Pitts, from Washington County Circuit Court. Appellant's memorandum motion for expedited appeal and briefing schedule.

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CASES SUBMITTED

CR-19-617. Joseph Thomas Lacefield v. State of Arkansas, from Benton County Circuit Court.

CR-19-648. Ronterrio Mayo v. State of Arkansas, from Hot Spring County Circuit Court.

CR-19-861. Mochariee West v. State of Arkansas, from Garland County Circuit Court.

CR-20-11. Forrest R. Stewart, Jr. v. State of Arkansas, from Miller County Circuit Court.

CR-20-55. Scottie Flippo v. State of Arkansas, from Boone County Circuit Court.

CR-20-91. John Ford v. State of Arkansas, from Garland County Circuit Court.

CV-18-620. (In the Matter of the Estate of Carl John Smith) Joseph Lucas, an Individual; Glen Lucas, an Individual; Robert Lucas, an Individual; Barbara Johnson, an Individual; Thomas Lucas, an Individual; and David Abbott, an Individual v. Pamela Vitko, as Personal Representative and on Behalf of the Laura Lee Broderick Estate; Cecily Lennard Lucas, as Personal Representative and on Behalf of John P. Lucas Estate; and Victoria Gilbertie, from Washington County Circuit Court.

CV-19-536. Bernard Court, LLC v. Walmart, Inc., from Benton County Circuit Court.

CV-20-59. Innisfree Health and Rehab, LLC; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc., d/b/a Professional Nursing and Rehabilitation Services; Innisfree Estates, LLC; and Michael S. Morton v. Kenny Jordan, as Special Administrator of the Estate of Kenneth Harold Jordan, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Kenneth Harold Jordan, from Benton County Circuit Court.

CV-20-147. Tommy Lee Thigpen v. City of El Dorado, Arkansas, from Union County Circuit Court.

CV-20-389. Antonio Johnson v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division.

The following cases are appeals from the Arkansas Board of Review.

E-20-104. Shamiere Chatman v. Director et al.

E-20-105. Shane Davidson v. Director et al.

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E-20-106. Wilbert Henderson v. Director et al.

E-20-107. Carol Girtman v. Director et al.

E-20-108. Shawna Levy v. Director et al.

E-20-109. Christopher Howell v. Director et al.

E-20-110. Robert Gipson v. Director et al.

E-20-111. Daniel Cabell v. Director et al.

E-20-112. Demekus Thomas v. Director et al.

E-20-113. Kimberly Lewis v. Director et al.

E-20-114. Richard Miller v. Director et al.